General Assembly

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Sixty-second session
Agenda item 70 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/62/439/Add.3)*]

62/169. Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights[2] and the first Optional Protocol thereto,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women[5] and the Optional Protocol thereto,[6] and the Convention on the Rights of the Child[7] and the Optional Protocols thereto,[8]

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003,[9] 2004/14 of 15 April 2004[10] and 2005/13 of 14 April 2005,[11] Human Rights Council decision 1/102 of 30 June 2006,[12] and its resolution 61/175 of 19 December 2006,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] Ibid., vol. 1465, No. 24841.

[5] Ibid., vol. 1249, No. 20378.

[6] Ibid., vol. 2131, No. 20378.

[7] Ibid., vol. 1577, No. 27531.

[8] Ibid., vols. 2171 and 2173, No. 27531.

[9] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[10] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[11] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[12] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. B.

Concerned that the presidential election of 19 March 2006 was severely flawed due to arbitrary use of State power and fell significantly short of Belarus' commitments at the Organization for Security and Cooperation in Europe to hold a free and fair election, that the Government of Belarus did not take measures to ensure that the local elections of 14 January 2007 met international standards and that the situation of human rights in Belarus in 2007 continued to significantly deteriorate, as documented in the reports of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the report of the Special Rapporteur on the situation of human rights in Belarus,[13] which found that systematic violations of human rights continue to take place in Belarus,

Disappointed that the Belarusian authorities again failed to create conditions for the Belarusian people to freely express their will during local elections on 14 January 2007 by denying the basic rights of freedom of assembly and association, as well as with the lack of progress made by the Government of Belarus in addressing noted shortfalls,

1. *Expresses deep concern:*

(*a*) About the continued use of the criminal justice system to silence political opposition and human rights defenders, including through arbitrary detention, lack of due process and closed political trials of leading opposition figures and human rights defenders;

(*b*) About the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, in particular with the Special Rapporteurs on the situation of human rights in Belarus, while noting the serious concern relating to the continued and systematic violations of human rights in Belarus and the further erosion of the democratic process expressed by seven independent human rights experts of the United Nations in a statement issued on 29 March 2006;

(*c*) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe and dialogue between the Government of Belarus and the Organization for Security and Cooperation in Europe following previous elections, and despite calls from the General Assembly to adopt the recommendations of the Organization for Security and Cooperation in Europe following the flawed presidential election of 2006, Belarus again failed to meet its commitments to hold free and fair elections during municipal elections in January 2007, including by using intimidation and the arbitrary application of registration standards to exclude opposition candidates, by severely restricting the access of registered candidates to voters and the mass media, through routine harassment, the detention and arrest of political and civil society activists, and the negative portrayal in the State media of opposition candidates and activists, including human rights defenders, and by preventing access by independent local observers to polling stations;

(*d*) About the continued use of the arbitrary application of registration standards to prevent non-governmental organizations from operating, including the use of the arbitrary denial of leases and evictions to prevent organizations from acquiring valid addresses;

[13] A/HRC/4/16.

(*e*) About the continued harassment and detention of Belarusian journalists and the suspension and banning of independent media covering local opposition demonstrations, that senior officials of the Government of Belarus were implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as documented in the report adopted in resolution 1371 (2004) of 28 April 2004 by the Parliamentary Assembly of the Council of Europe,[14] and that the Government of Belarus has ignored calls of that body to account for their disappearance;

(*f*) About the failure of the Belarusian authorities to heed calls to reinstate the teaching licence of the European Humanities University in Minsk and about the increasing harassment of its students while the university operates in exile;

(*g*) About continued persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, religious groups, opposition political parties, independent trade unions, and independent youth and student organizations, and the harassment and prosecution of individuals, including students and their relatives, engaged in the promotion and protection of human rights, the rule of law and democracy, especially those students returning to Belarus;

2. *Urges* the Government of Belarus:

(*a*) To release immediately and unconditionally all individuals detained for politically motivated reasons and other individuals detained for exercising or promoting human rights;

(*b*) To cease politically motivated prosecution, harassment and intimidation of political opponents, pro-democracy activists and human rights defenders, independent media, national minority activists, religious organizations, educational institutions and civil society actors, and to cease the harassment of students and create the conditions whereby they can continue their studies in Belarus;

(*c*) To bring the electoral process and legislative framework into line with international standards, especially those of the Organization for Security and Cooperation in Europe, to demonstrate such commitment through the parliamentary elections due in 2008 and to rectify the shortcomings of the electoral process, identified by the Office for Democratic Institutions and Human Rights in its report of 7 June 2006, including election laws and practices that restrict campaigning opportunities for de facto opposition candidates, the arbitrary application of electoral laws, including with regard to the registration of candidates, obstruction of the right of access to the media, biased presentation of the issues by the State media and the falsification of vote counts;

(*d*) To respect the rights to freedom of speech, assembly and association;

(*e*) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture and other cruel, inhuman or degrading treatment or punishment, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and, if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

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[14] See Council of Europe, Parliamentary Assembly, document 10062.

(*f*) To uphold the right to freedom of religion or belief, including the ability to maintain communications with individuals and communities in matters of religion and belief at the national and international levels;

(*g*) To investigate and hold accountable those responsible for the mistreatment, arbitrary arrest and incarceration of human rights defenders and members of the political opposition;

(*h*) To carry out the recommendations of the International Labour Organization Commission with regard to respecting core labour rights of freedom of association for workers;

(*i*) To carry out all other steps called for by the Commission on Human Rights in its resolution 2005/13,[11] as well as General Assembly resolution 61/175;

3. *Insists* that the Government of Belarus cooperate fully with the Human Rights Council and its mechanisms, as well as with all mechanisms of the Organization for Security and Cooperation in Europe.

76th plenary meeting
18 December 2007